



FREDERICK COUNTY PLANNING COMMISSION

June 12, 2013

TITLE: **Above Air Technology**

FILE NUMBER: **SP 87-12, AP #13287, APFO #13289, FRO #13290**

REQUEST: **Site Plan and APFO Approval**

The Applicant is requesting Site Plan and Adequate Public Facilities Ordinance approval for 20,965 square feet of additions onto an existing 19,440 square foot building, on a 6.68-acre site

PROJECT INFORMATION:

ADDRESS/LOCATION: 5179 Mountville Road; located on the south west corner of Mountville Road and Ballenger Creek Pike.

TAX MAP/PARCEL: Tax Map 94, Parcel 87

COMP. PLAN: Limited Industrial

ZONING: Limited Industrial

PLANNING REGION: Adamstown

WATER/SEWER: W-NPS/S-NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: SYD Holdings, LLC

OWNER: SYD Holdings, LLC

ENGINEER: Daft, McCune & Walker, Inc.

ARCHITECT:

ATTORNEY:

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1- Above Air Site Plan Rendering

Exhibit 2- Above Air Technologies Letter of Understanding (LOU)

Exhibit 3- Parking Space Modification

Exhibit 4- Loading Space Modification

STAFF REPORT

ISSUE

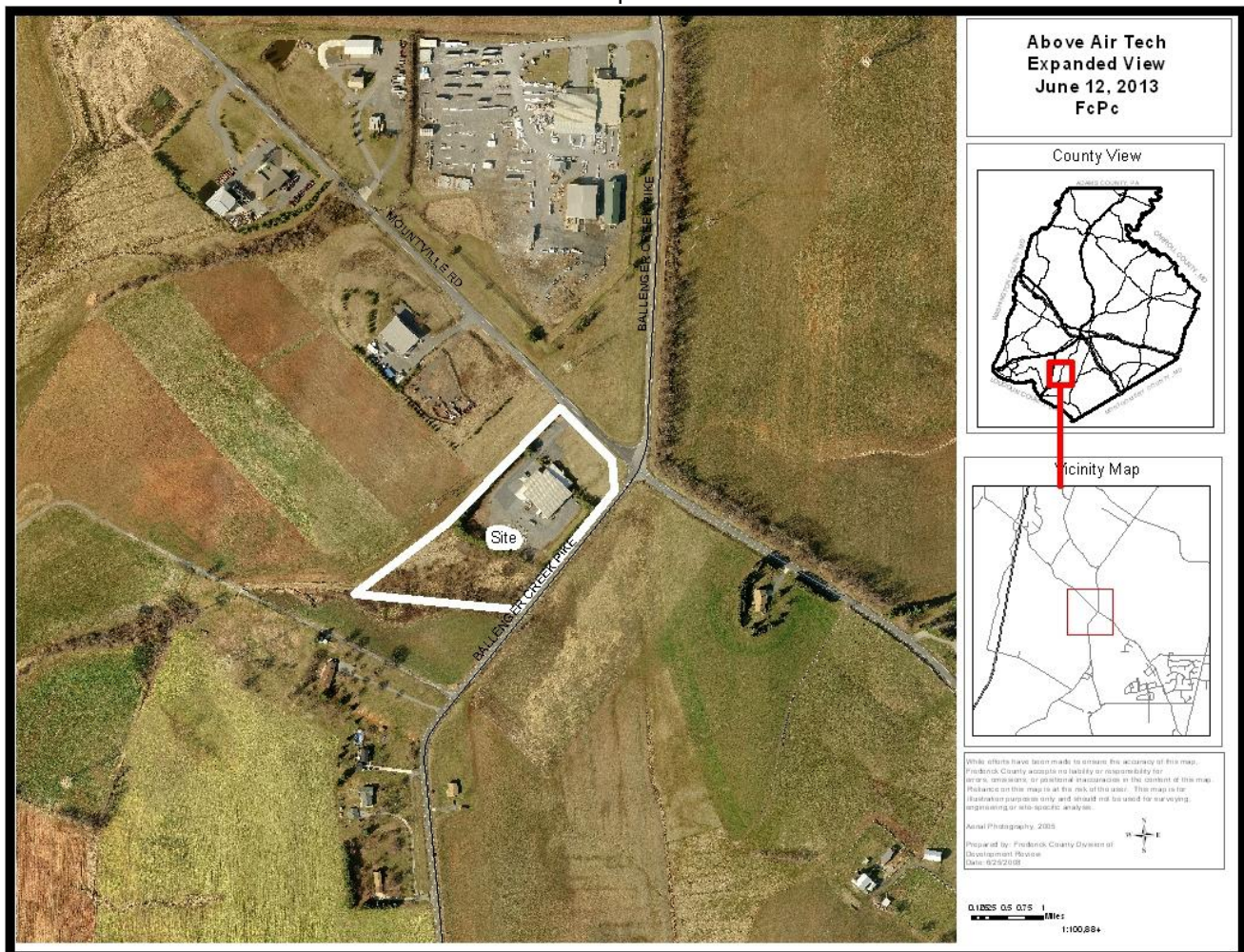
Development Request

The Applicant is requesting Site Plan and Adequate Public Facilities Ordinance approval for 20,965 square feet of additions onto an existing 19,440 square foot building, on a 6.68-acre site. The proposed use is being reviewed as an "Limited Manufacturing and Assembly Use" land use under the heading of *Industrial* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the Limited Industrial (LI) Zoning District subject to site development plan approval.

This development proposal will be broken down into two phases; Phase One will consist of three building additions to the existing 19,440 square foot building. The three building additions are as follows; a 55' x 25', 1,375 square foot addition to the north west corner of the building, a 30' x 28', 840 square foot addition to the south east corner of the building, and a 150' x 125', 18,750 square foot addition to the south side of the existing building. Phase One also includes the addition of 11 parking spaces, including 2 ADA handicapped accessible spaces. See Exhibit #1. All of the proposed stormwater management areas will be constructed as part of Phase One. The total additional building square footage for Phase One improvements will be 20,965 square feet for a combined total of 40,405 square feet.

Phase Two is proposed to consist of an additional 20' wide full movement access point onto Ballenger Creek Pike. See Exhibit #1.

Graphic #1



BACKGROUND

Development History

On March 11, 1987 this site received site plan approval for a 19,440 square foot building to house offices and for the manufacturing of wooden trusses.

On December 23, 2008 a staff level site plan was approved to add a 1,000 gallon above ground propane tank to the site, on the eastern side of the building.

Existing Site Characteristics

The site is currently zoned Limited Industrial (LI), and is developed with a 19,440 square foot building with 22 parking spaces, see Graphic #2 below. The property to the north of the site is developed with East Alco, the properties to the west are developed with similar industrial uses, lands to the east and south are zoned agricultural and contain single family dwellings or farmsteads.

ANALYSIS

Summary of Development Standards Findings and Conclusions

The primary issues associated with this development proposal were the identification of safe and adequate access to the site and protection of the sensitive environmental features located along the southern boundary of the site.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

Findings/Conclusions

- 1. Dimensional Requirements/Bulk Standards §1-19-6.100:** The LI zoning district requires a front yard setback of 25', a side yard setback equal to the height of the structure, a rear yard setback of 20', and a maximum height of 60'. The Applicant proposes additions to the existing building that is centrally located within the site. The proposed additions will meet all of the dimensional requirements and bulk standards within the LI Zoning District.
- 2. Signage §1-19-6.300:** The Applicant is not proposing any signage as part of this site plan.
- 3. Landscaping §1-19-6.400:** The Applicant has provided a landscape plan comprised of evergreen and deciduous tree species. The proposed site plan complies with the requirements listed in ZO §1-19-6.400.
- 4. Screening §1-19-6.400:** During the March 11, 1987 site plan review and approval a condition was added that required evergreens a minimum of 8 feet in height, to be planted 15 feet on center around the entire perimeter of the fenced storage yard. The existing screening is still in good condition, and has been increased along the southern border with the addition of the landscaped stormwater management ponds.
- 5. Lighting §1-19-6.500:** The Applicant has submitted a lighting plan that complies with all of the requirements of ZO §1-19-6.500. The maximum height of pole and building mounted lighting for industrial uses is 24'. The Applicant is proposing one additional 18' foot high light pole at the

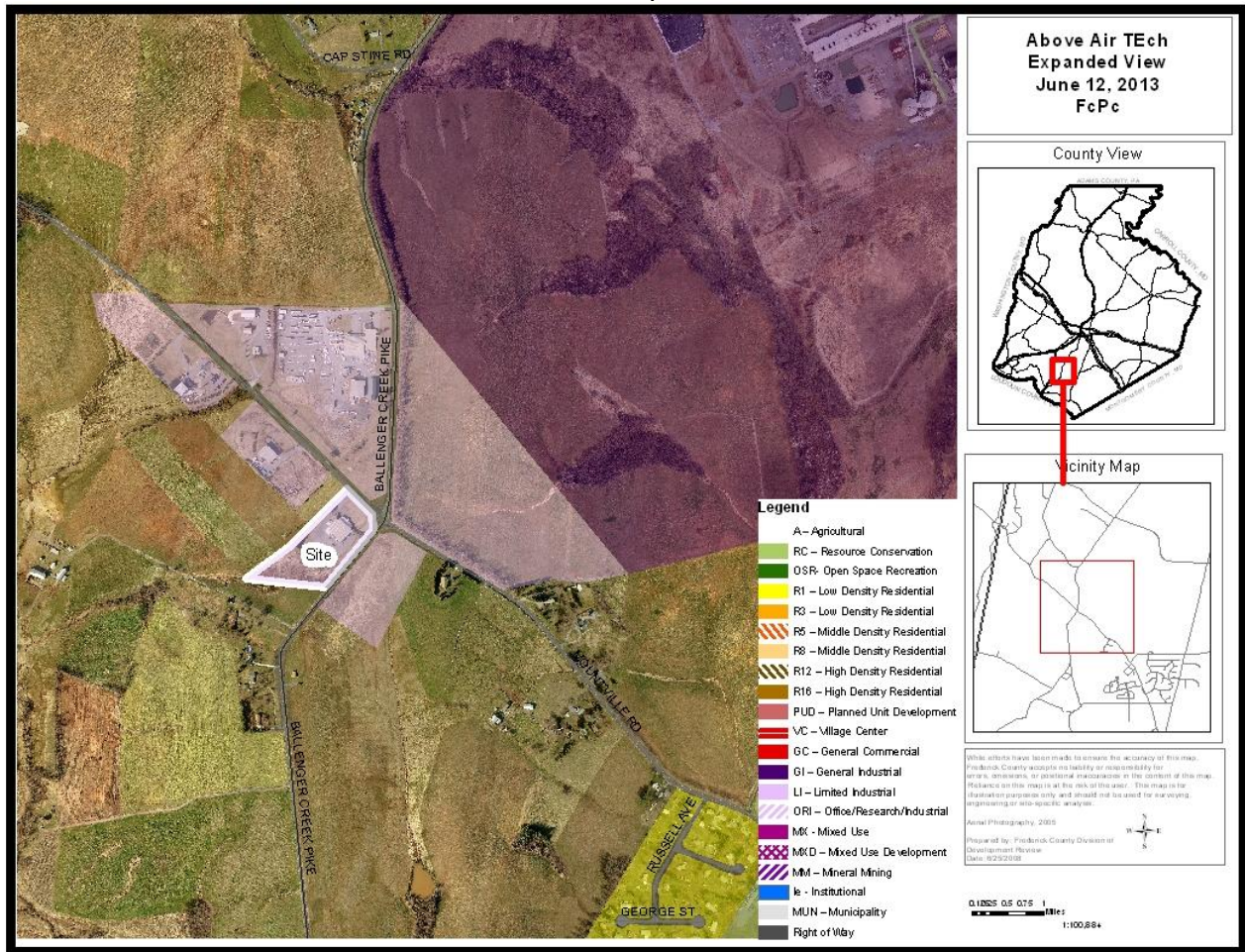
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entry into the site and 19 wall lights, not to exceed 24 feet in height, to be mounted on the existing building and proposed addition. There is no lighting spillage over 0.5 foot candles at the property line.

Graphic #2



Transportation and Parking §1-19-3.300.4 (B): The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.

Findings/Conclusions

- 1. Access/Circulation:** Access for this site is provided via a 30' wide full movement access onto Mountville Road, recently re-designated to a minor arterial from collector. Phase 2 proposes a 20' wide full movement commercial entrance only onto Ballenger Creek Pike that would improve internal truck circulation and nominally reduce traffic flow on Mountville Road.
- 2. Connectivity §1-19-6.220 (F):** The site location on the corner of Mountville Road and Ballenger Creek Pike, location of Potomac Edison utilities to the northwest of the site, and the environmental features along the southwest property line preclude connectivity to the adjacent parcels.
- 3. Public Transit:** This site is not served by Transit.

- 4. Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The required parking for industrial uses is one space for every 2 employees on the largest shift for which the building is designed, plus 1 for each business vehicle. The estimated number of employees for this site is 40 for Phase 1 and no additional employees for Phase 2. This facility operates as a manufacturing facility only and does not allow for retail; therefore they do not routinely receive visitors. The required number of parking spaces is 20 for employees and 1 space for every business vehicle. The Applicant utilizes 4 business vehicles; therefore, 4 additional vehicle spaces are required. Based on this information, the Applicant is required to provide a total of 24 parking spaces for employees and business vehicles; the Applicant has requested a total of 33 parking spaces plus 2 ADA accessible parking spaces.

The Applicant is seeking a parking space modification in accordance with ZO §1-19-6.220.A.1, for 9 parking spaces over the target, See Exhibit #3. Staff has no objection to the requested parking space modification.

The Applicant is required to provide 5 large loading spaces for a building totaling 40,405 square feet in accordance with the requirements of §1-19-6.210. Based on the current use of the facility, it is anticipated that only four or five trucks will be loading/unloading from the site each day. Therefore the Applicant is requesting a loading space modification in accordance with §1-19-6.210.(D), for four loading spaces, rather than the required five, See Exhibit #4. In the future if additional loading is needed there is adequate gravel area surrounding the proposed expansion area for additional loading.

Staff supports the loading space modification request.

- 5. Bicycle Parking §1-19-6.220 (H):** The Applicant has provided 2 bicycle racks, and therefore complies with ZO §1-19-6.220(H).
- 6. Pedestrian Circulation and Safety §1-19-6.220 (G):** The site is an industrial place of business used for manufacturing without any retail component. All employees will park on the northern side of the site and will have pedestrian access into the main structure. The truck circulation routes will remain in the rear of the site in order to provide access to the 18,750 square foot portion of the Phase 1 addition. During the second construction phase a commercial two-way in access off of Ballenger Creek Pike will be constructed. This secondary access will help reduce truck circulation throughout the main entrance to the site.

Conditions/Modifications:

1. Approval of the vehicle parking space modification in accordance with 1-19-6.220.A.3, for the 9 spaces over target.
2. Approval of the Loading space modification in accordance with 1-19-6.210, to allow 4 loading spaces, instead of the required 5.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Private Well and Septic:** The Property has water and sewer classification of No Planned Service (NPS) in the County's *Master Water and Sewer Plan*. The Health Department has conditionally approved this proposal. This site is served by private well and septic system.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** This entire site and surrounding area is rather flat with a slope of less than 15%.
2. **Vegetation:** The northern portion of the site along Mountville Road, is mowed grass with existing and proposed street trees, as well as proposed parking lot landscaping. The middle portion of the site is ringed with 10-16" caliper evergreen trees which provide a visual screen of the interior of the site. The southern portion of the site contains a 180'-350' open area which contains an existing stream, wetland area as well as existing trees and brush. This area is not proposed to be disturbed and will remain in the present state.
3. **Sensitive Resources:** There are numerous sensitive environmental features located on this site; the majority of the sensitive features are located in the southern portion of the site. Running along the southern property boundary is a stream; the Applicant has shown the required 50' stream buffer. The stream and the buffer area will not be impacted by the proposed development.

There is also an area of wetlands approximately 370' in length along the southern property border. The Applicant has shown the required 25' buffer around the wetland area. These wetlands will not be impacted by the proposed development.

The entire site is located on wet soils, which are extremely prevalent throughout the area. There is no residential development or existing or proposed basement as part of this site plan application.

4. **Natural Hazards:** There are no natural hazards located on this site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area:** The site is an industrial place of business used for manufacturing without any retail component. There are no common areas proposed.
2. **Ownership:** The site is an industrial place of business used for manufacturing without any retail component. This property will be owned and operated by the Applicant as a place of business.

Other Applicable Regulations

Moderately Priced Dwelling Units – Chapter §1-6A: The proposed use is non-residential, therefore, MPDU's are not required.

Stormwater Management – Chapter §1-15.2: The Applicant has proposed two micro-bioretenion facilities on the southern property line to mitigate the run-off from the 40,405 square foot Phase 1 building addition at build out, these ESD's will be constructed as part of the Phase 1 improvements. The Phase 2 improvements are limited to the addition of the driveway on MD 351 and do not require additional stormwater management facilities. The ESD #1 and #2 have been designed to provide the required stormwater for Phase 2.

Subdivision Regulations – Chapter §1-16: There is no subdivision activity proposed on this property.

APFO – Chapter §1-20:

1. **Schools.** The site is a non-residential use and therefore exempt from school testing.
2. **Water/Sewer.** The Property has water and sewer classification of No Planned Service (NPS) in the County's *Master Water and Sewer Plan* and is therefore exempt.
3. **Roads.** The Project will generate up to 14 am and 14 pm additional weekday peak hour trips, which does not meet the requisite 50 peak hour trip threshold required for APFO testing. However, the Developer is required to provide fair share contributions to existing escrow accounts per Section 1-20-12(H).

In full satisfaction of APFO requirements to fully mitigate site-generated trips, the Developer shall pay into County-held escrow accounts the following pro rata contributions: See Exhibit #2.

1. No. 3234: US 15 at Mountville Road Intersection Reconstruction: The estimated cost of this Improvement is \$1,700,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.2%. Therefore, the Developer hereby agrees to pay \$3,400 to the escrow account for this Road Improvement.
2. No. 3336: US 15 Right Turn Lane Replacement at Mountville Road: The estimated cost of this improvement is \$820,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.2%. Therefore, the Developer hereby agrees to pay \$1,640 to the escrow account for this Road Improvement.

Therefore, prior to building permit issuance, the Developer hereby agrees to pay \$5,040 to the escrow accounts for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Forest Resource – Chapter §1-21: The Applicant is required to mitigate 0.29 acres of forest. FRO mitigation must be provided prior to grading or building permit, whichever is applied for first. Any future expansion/construction on this property will require the remaining 4.756 acres not covered by this FRO plan to be mitigated for FRO.

Historic Preservation – Chapter §1-23: There are no sensitive historic resources on this property.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval
Development Review Planning:	Address all agency comments as the plan proceeds through to completion.
State Highway Administration (SHA):	N/A
Div. of Utilities and Solid Waste Mngt. (DUSWM):	N/A. This site is located on well and septic.
Health Dept.	Conditional Approval
Office of Life Safety	Conditional Approval
DPDR Traffic Engineering	Approved
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the site plan and APFO. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval, or June 12, 2016.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Approval of the requested Loading Space modification in accordance with §1-19-6.210.
3. Approval of the requested Parking Space modification in accordance with §1-19-6.220.A.3.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** SP 87-12 and the modification requests **with conditions** as listed in the staff report **including APFO approval** for the proposed Above Air Technologies Expansion, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

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Exhibit #2: Above Air Technologies: Letter of Understanding (LOU)



FREDERICK COUNTY GOVERNMENT DIVISION OF COMMUNITY DEVELOPMENT

Eric E. Soter, Division Director

*Planning & Development Review Department
Jim Gugel, Planning Director*

30 North Market Street
Frederick, Maryland 21701

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Commissioners

Blaine R. Young
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C. Paul Smith
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David P. Gray
Kirby Delauter

Lori L. Depies, CPA
County Manager

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Above Air Technologies

Site Plan #S87-12 (AP #13289)

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and SYD Holdings, LLC ("**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved site plan for the expansion of Above Air Technologies (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 6.676 +/- acre parcel of land which is zoned Limited Industrial (LI), and located in the southwest quadrant of Mountville Road and Ballenger Creek Road. This APFO approval will be effective for the expansion of an existing manufacturing use, which is shown on the site plan, #SP87-17. The site plan was submitted to the Community Development Division for staff-level approval. The Planning Commission approved the site plan for APFO compliance on June 12, 2013.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer Improvements:

The Property has water and sewer classification of No Planned Service (NPS) in the County's *Master Water and Sewer Plan* and is therefore exempt from APFO testing for water and sewer.

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Road Improvements:

The Project will generate up to 14 am and 14 pm additional weekday peak hour trips, which does not meet the requisite 50 peak hour trip threshold required for APFO testing. However, the Developer is required to provide fair share contributions to existing escrow accounts per Section 1-20-12(H).

In full satisfaction of APFO requirements to fully mitigate site-generated trips, the Developer shall pay into County-held escrow accounts the following pro rata contributions:

1. No. 3234: US 15 at Mountville Road Intersection Reconstruction: The estimated cost of this Improvement is \$1,700,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.2%. Therefore, the Developer hereby agrees to pay \$3,400 to the escrow account for this Road Improvement.
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Therefore, prior to building permit issuance, the Developer hereby agrees to pay \$5,040 to the escrow accounts for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on June 12, 2016.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

DEVELOPER: Matt Miller

_____ Date: _____

[Additional signatures on next page]

*Above Air Tech LOU
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FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: _____
Dwaine E. Robbins, Chair or William G. Hall, Secretary

ATTEST:

By: _____ Date: _____
Gary Hessong, Director, Permits & Inspections

Planner's Initials / Date _____

County Attorney's Office Initials / Date _____

(Approved as to legal form)

Exhibit #3: Above Air Technologies: Parking Space Modification



May 13, 2013

Frederick County Division of Permitting and
Development Review
30 North Market Street
Frederick, MD 21701
ATTN: Mr. Tolson Desa

Re: AboveAir Technologies – Modification Request
A/P No. 13287
DMW Project No. 12707.00

Dear Mr. Tolson:

We formally request a modification to Section 1-19-6.220(A) of the Frederick County Zoning Ordinance to allow an additional 9 parking spaces more than the requirement. With the ultimate number of employees being forty (40) and four (4) business vehicles anticipated, twenty-four (24) parking spaces are required. We are requesting approval of thirty-three (33) spaces because the owner anticipates that this number would better provide adequate parking for the employees, vendors and visitors.

Sincerely,

Daft-McCune-Walker, Inc.

A handwritten signature in black ink that reads "Daphne S. Matthews".

Daphne S. Matthews, P.E.

DSM/tb

Enclosures

cc: Matt Miller, AboveAir Technologies (via email only)
Greg Brown, Waynesboro Construction (via email only)

Exhibit #4: Above Air Technologies: Loading Space Modification



May 13, 2013

Frederick County Division of Permitting and
Development Review
30 North Market Street
Frederick, MD 21701
ATTN: Mr. Tolson Desa

Re: AboveAir Technologies – Modification Request
A/P No. 13287
DMW Project No. 12707.00

Dear Mr. Tolson:

We formally request a modification to Section 1-19-6.210(B) of the Frederick County Zoning Ordinance to reduce the requirements to four (4) large loading spaces instead of five (5) as required for a 40,405 square foot mixed use (office-assembly-warehouse) building. Based on the current use of the facility, it is anticipated that only four (4) or five (5) trucks per day will be arriving/departing from this site. In addition, should additional loading be needed, there is adequate gravel area surrounding the building to act as loading spaces.

Sincerely,

Daft-McCune-Walker, Inc.

A handwritten signature in black ink that reads "Daphne S. Matthews". The signature is written in a cursive, flowing style.

Daphne S. Matthews, P.E.

DSM/tb

Enclosures

cc: Matt Miller, AboveAir Technologies (via email only)
Greg Brown, Waynesboro Construction (via email only)